



US Army Corps
of Engineers®

New England District

Maine Project Office

675 Western Avenue #3

Manchester, Maine 04351

PUBLIC NOTICE

Date: June 9, 2009

Comment Period Ends: July 9, 2009

File Number: NAE-2007-02229

In Reply Refer To: Jay L. Clement

Or by e-mail: jay.l.clement@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

APPLICANT: MAINE DEPT. OF TRANSPORTATION, 16 STATE HOUSE STATION, AUGUSTA, MAINE 04333

ACTIVITY: Place fill below the ordinary high water line of an unnamed tributary to the Dennys River at Meddybemps, Maine in order to replace an existing deteriorated 48"x 40' culvert and a 36"x 40' overflow pipe beneath Route 191 with a new 54"x 60' culvert with rip rap slopes and paved shoulders. Approximately 500 square feet of stream bed will be impacted by the project.

ESSENTIAL FISH HABITAT (EFH): The project is likely to impact Essential Fish Habitat (EFH) for Atlantic salmon. This habitat consists of stream bottom composed largely of ledge and stones with associated pools & riffles. The unnamed tributary is actually a man-made, stone filled channel that forms an outlet for Meddybemps Lake and drains to the Dennys River. Impact to this species is expected to be minimal with appropriate erosion control measures, instream work windows, and other best management practices. Therefore the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision. Similarly, consultation continues with US Fish & Wildlife Service pursuant to Section 7 of the Endangered Species Act since salmon in this location are part of a distinct population segment listed by the Services as endangered.

WATERWAY AND LOCATION OF THE PROPOSED WORK: This work is proposed in an unnamed tributary to the Dennys River at Meddybemps, Maine. The airport site is located on the USGS MEDDYBEMPS LAKE EAST, ME quadrangle sheet at latitude 45.0382911°N; and longitude 67.3580174°W.

AUTHORITY

Permits are required pursuant to:

☐ Section 10 of the Rivers and Harbors Act of 1899

☒ Section 404 of the Clean Water Act

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against

its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

ENDANGERED SPECIES ACT CONSULTATION

On November 13, 2000, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service ("Services") listed a distinct population segment ("DPS") of Atlantic salmon (*Salmo salar*) in the Gulf of Maine as an endangered species under the Endangered Species Act ("ESA"). More recently, the Services have proposed designating critical habitat and expanding the current Gulf of Maine DPS. This project falls within the original DPS. An initial round of consultation with the services has already been completed on August 11, 2008. In expectation that critical habitat is designated and/or the DPS is expanded, the Corps is presently consulting/conferencing with the Services again regarding ESA recommendations. This consultation/conferencing will be concluded prior to the final decision. By this public notice, the District Engineer is also requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to other listed species or its critical habitat.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.


In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Jay Clement at 207-623-8367 at our Manchester, Maine Project Office.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

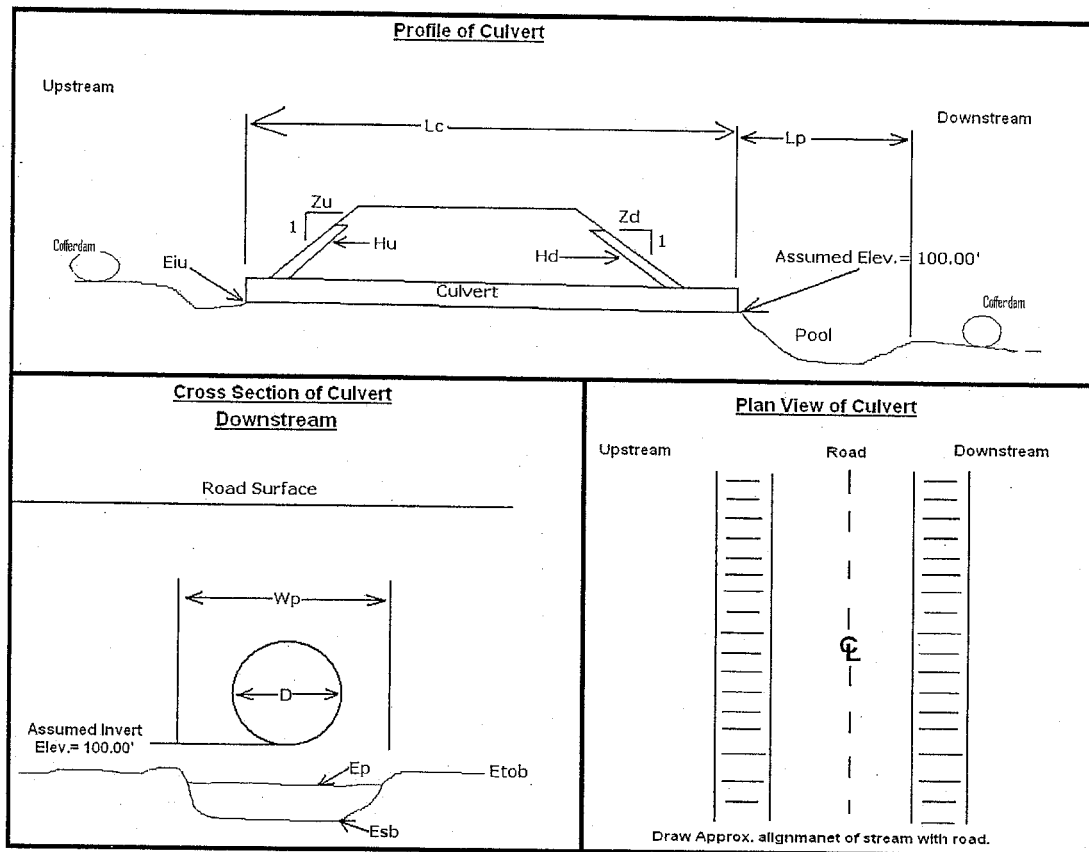
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____
ADDRESS: _____

PROPOSED WORK AND PURPOSE

Place fill below the ordinary high water line of an unnamed tributary to the Dennys River at Meddybemps, Maine in order to replace an existing deteriorated 48"x 40' culvert and a 36"x 40' overflow pipe beneath Route 191 with a new 54"x 60' culvert with rip rap slopes and paved shoulders. Approximately 500 square feet of stream bed will be impacted by the project.

The work is described on the enclosed plans entitled "MAINE DEPT. OF TRANSPORTATION, ROUTE 191 CULVERT REPLACEMENT, MEDDYBEMPS, MAINE" in two sheets undated.



All Dimensions in Feet		Existing		Proposed		Existing		Proposed	
Lc	Length of Culvert	40	60	Er	Elev. of Road CL	108	108		
Lp	Length of Pool	20	10	Etob	Elev. Top of Bank (DS)	104	104		
Wp	Width of pool	10	10	Hu*	Headwall Treatment (US)	SB/V	SB/V		
Eiu	Elev. of Invert (US)	100.6	100.6	Hd*	Headwall Treatment (DS)	SB/V	SB/V		
Ep	Elevation of Water (DS Pool)	100.5	100.5	Zu	Slope Value (US)	Vert	3:1		
Esb	Elev. of Streambed one pipe diameter DS	99.5	99.5	Zd	Slope Value (DS)	Vert	3:1		

Elevation of lowest downstream invert is assumed to be 100.00' and all other elevations are relative to it.

* Types of Headwall Treatments: RR (Rip Rap), CC (Concrete), SB (Stone Block), V (Vegetation)

All Dimensions in Feet		(EXISTING)			(PROPOSED)		
		Pipe 1	Pipe 2	Pipe 3	Pipe 1	Pipe 2	Pipe 3
D	Diameter of Pipe	4	3		4.5		
Pt	Type of Pipe*	CMP	CMP		CMP		
Ps	Shape of Pipe	Round	Round		Round		

* CMP-Corrugated Metal Pipe

Figure 2. Plans for culvert replacement, Route 191, Meddybemps, Maine.

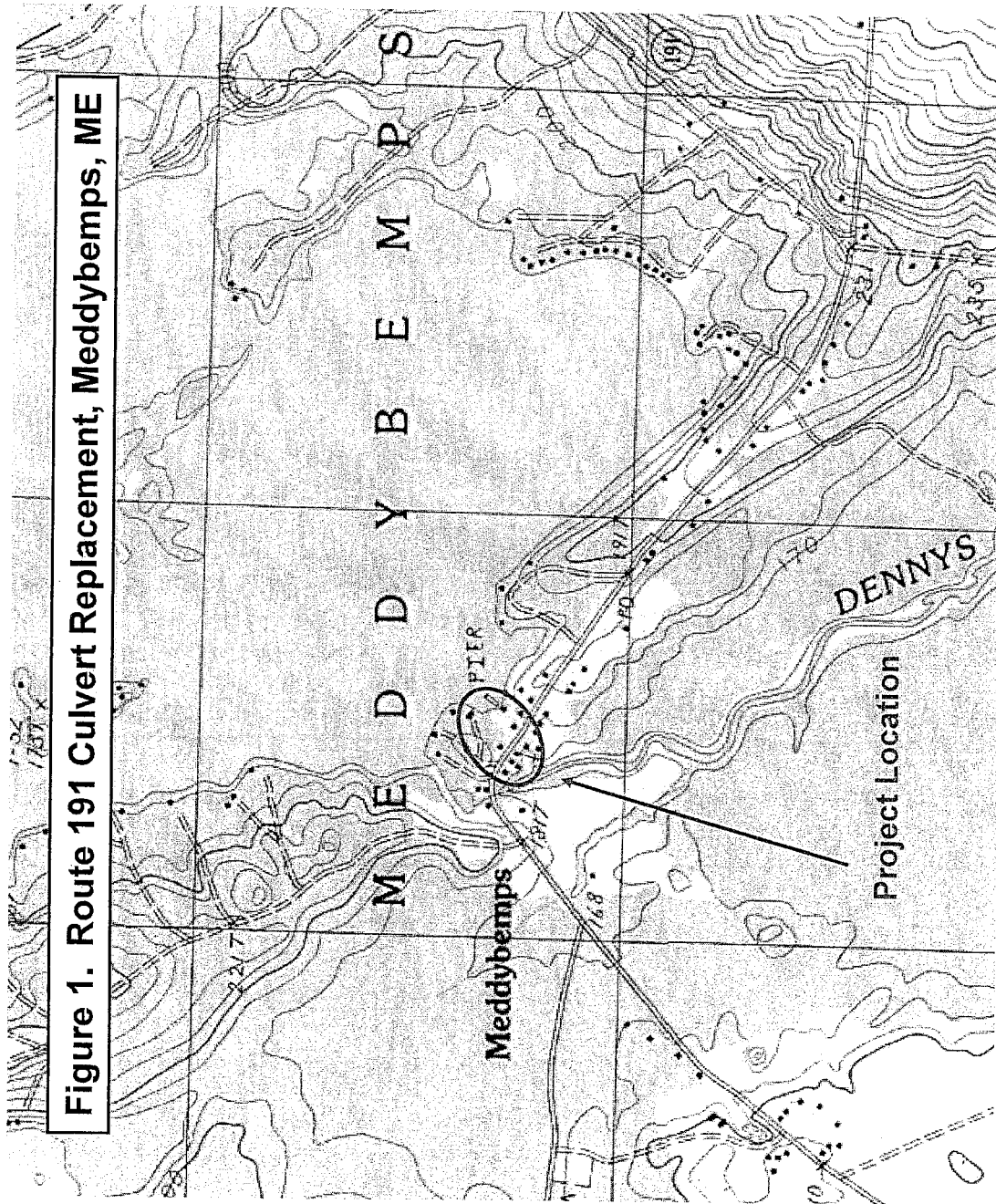


Figure 1. Route 191 Culvert Replacement, Meddybemps, ME